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Remarks

Claims 1-32 are pending in the present Application. Claims 12-16 and 18-32 were previously amended in a Preliminary Amendment.

In the Office Action, the Examiner entered a restriction requirement which necessitates an election of one of the following groups of claims:

Group I: claims 1-28

Group II: claims 29-31

Applicant notes that on the Office Action Summary page, the Examiner has indicated that thirty-two (32) claims are pending and subject to restriction. However, only thirty-one (31) claims have been grouped for restriction purposes. Since independent claim 32 is directed to a tilt-latch, and not a system or method of assembling a tilt-latch (like claims 29-31), Applicant assumes that claim 32 falls within Group I.

Applicant traverses the restriction requirement on the grounds that the Examiner has not established a prima facie case for restricting claims 1-32. On page two of the Office Action, the Examiner stated that, "...the product as claimed can be made by another materially different process such as *selecting an actuator based on its aesthetic appearance*." The foregoing is erroneous because claim 29 specifically requires: "*selecting an actuator based on the desired distance the nose is to extend through the outward end opening*." Thus, the claimed invention requires selection of the actuator based upon the dimensions of the tilt-latch components, including the nose of the latch bolt, the post of the latch bolt, and the notch of the actuator. See MPEP 806.05(f). In addition, the prima

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facie case for restriction has not been established since the proposed Groups relate to the same class (Class 049). Furthermore, the field of search is the same and not unduly burdensome. For these reasons, Applicant respectfully traverses the restriction requirement of claims 1-32. In the event the Examiner maintains the restriction requirement, Applicant elects to prosecute the claims of Group I (claims 1-28 and 32) withdraw the claims of Group II (claims 29-31).

On page two of the Office Action, the Examiner further divided Group I in the following species and required selection for further prosecution:

Group III: Figures 1-16 and 26-29

Group IV: Figures 17-25

Group V: Figures 30 and 31

Applicant traverses the above grouping of species. First, the Examiner has provided no basis for requiring the selection of species. Second, the criteria for grouping or defining the species has not been provided. In the event the Examiner maintains the species requirement, Applicant is willing to select a *proposed Group VI* which includes Figures 1-16 and 26-31 (and does not include Figures 17-25). Applicant submits that Group VI is the appropriate sub-group of Group I to select for prosecution because all of the Figures within Group VI disclose consistent aspects or characteristics of the invention as claimed. Applicant further submits that Group VI would not present the Examiner with an unreasonable search and examination of the Application. In the event the Examiner maintains the species requirement and rejects the proposed Group VI, Applicant selects Group III.

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Conclusion

Applicants request that the Examiner call the undersigned attorney if the Examiner has any questions concerning this Response, or if it will expedite the progress of this Application.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document is being facsimile transmitted to Examiner Gregory J. Strimbu, Art Unit No. 3634, at the U.S. Patent and Trademark Office on October 28, 2002 to Fax No. 703.305.3597.

Asant M. Franklin

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